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UNITED STATES DISTRICT COURT  
STATE OF UTAH

JOEL LEHI ORGANISTA,

Petitioner,

vs.

STATE OF UTAH ATTORNEY  
GENERAL,

Respondent.

MEMORANDUM IN SUPPORT OF  
HABEAS CORPUS MOTION

Case: 2:22-cv-00145

Assigned To : Nielson, Howard C., Jr

Assign. Date : 3/2/2022

Description: Organista v State of Utah  
Attorney General

**SUMMARY OF FACTS**

Joel Lehi Organista was convicted of Aggravated Sexual Abuse of a Child [1<sup>st</sup> Degree Felony] and Enticing a Minor by Internet or Text [2<sup>nd</sup> Degree Felony]; and subsequently sentenced by the Honorable Heather Brereton to an indeterminate term not less than fifteen years and which may be life. In accordance with the sentencing order, the state prison term is to run concurrent with the federal sentence, and the defendant may serve his term in a federal facility *in toto*.

**SUMMARY OF ARGUMENT**

Mr. Organists kindly asks the Court to grant the Habeas Corpus Motion to transfer the defendant to USPFH. This request is made pursuant to the authority of the Suspension Clause of the United States Constitution [Article I, Section 9, Clause 2]; 28 U.S.C. §§ 2241-2256; Turner v. Safley,

482 U.S. 78 (1987); the sentencing order of Judge Heather Brereton; and the demands of justice. If not appropriately supervised, Mr. Organista is at risk of serious bodily harm from other inmates due to the nature of his offense. Accordingly, the Honorable Heather Brereton explicitly notated and endorsed transfer to a federal facility in the sentencing order [see attached]. While the defendant appreciates the severity of his offense, he humbly requests transfer to a more appropriate facility wherein he can safely serve out the term of incarceration. Wherefore, the Court should grant the HABEAS CORPUS MOTION in the above-captioned matter.

### **CONCLUSION**

Mr. Organista should be transferred to USPFH to serve out the remainder of his State mandated prison sentence. Mr. Organista relies upon Suspension Clause of the United States Constitution [Article I, Section 9, Clause 2]; 28 U.S.C. §§ 2241-2256; *Turner v. Safley*, 482 U.S. 78 (1987); and the sentencing order of the Honorable Heather Brereton. Under the aforementioned body of law, it is both authorized by Utah State law and constitutionally expedient to transfer Joel Lehi Organista to USPFH.

Dated this 24th day of February, 2022.

/s/ Craig R. Chalarson  
Craig R. Chlarson